

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARLYN PHILLIPS,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
EQUIFAX INFORMATION SERVICES LLC,)	
)	
Defendant.)	

**DEFENDANT EQUIFAX INFORMATION SERVICES LLC'S
NOTICE OF REMOVAL**

COMES NOW EQUIFAX INFORMATION SERVICES LLC ("Equifax"), and
files this Notice of Removal pursuant to 28 U.S.C. §§ 1441(b) and 1446(a) and in support
thereof respectfully shows the Court as follows:

Procedural Background

1. Marlyn Phillips is the plaintiff. Equifax is named as the defendant.
2. On or about March 19, 2012, plaintiff filed a Complaint in the Court of
Common Pleas of Bucks County, Pennsylvania, Civil Division ("State Court Civil
Action") alleging that Equifax reported false or erroneous information on plaintiff's
credit report in violation of the Fair Credit Reporting Act as well as other claims under
Pennsylvania state law. Plaintiff requests a jury trial.
3. Equifax was served with Plaintiff's Complaint on March 22, 2012. This
Notice of Removal is being filed within the thirty (30) day time period required by 28
U.S.C. § 1446(b).

Grounds for Removal

4. The State Court Civil Action seeks damages for Equifax's alleged violations of the federal Fair Credit Reporting Act (15 U.S.C. § 1681, *et. seq.*) (*See*: Complaint attached hereto as Exhibit A). Therefore, the State Court Civil Action is an action over which this Court has original federal question jurisdiction pursuant to 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1681p.

5. Removal of the State Court Civil Action is proper pursuant to 28 U.S.C. § 1441(b) because the State Court Civil Action is founded on a claim or right arising under the Constitution, treaties or laws of the United States.

Compliance With Procedural Requirements

6. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is being filed with this Court within thirty (30) days after defendant Equifax received a copy of Plaintiff's pleading setting forth the claims for relief upon which Plaintiff's action is based.

7. Pursuant to 28 U.S.C. § 1441(a), venue of the removal action is proper in the United States District Court for the Eastern District of Pennsylvania because the county from which the State Court Civil Action is being removed lies within this district.

8. Promptly after filing this Notice of Removal, Equifax shall give written notice of the removal to the plaintiff and will file a copy of this Notice of Removal with the Clerk of the Court of Common Pleas of Bucks County, Pennsylvania as required by 28 U.S.C. § 1446(d).

9. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings and orders served upon defendant Equifax in the State Court Civil Action are attached hereto as Exhibit B.

10. Trial has not commenced in the Court of Common Pleas of Bucks County, Pennsylvania.

WHEREFORE, Equifax Information Services, LLC respectfully prays that the State Court Civil Action be removed to this Court and that this Court assume full jurisdiction as if it had been originally filed here.

Dated : April 19, 2012.

Respectfully Submitted,



Anneliese Scott
Christie, Pabarue, Mortensen and Young,
A Professional Corporation
1880 JFK Boulevard, 10th Floor
Philadelphia, PA 19103
ascot@cpmy.com
Attorneys for Defendant Equifax
Information Services LLC

CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the foregoing NOTICE OF REMOVAL by depositing same in the United States mail, properly addressed with sufficient postage affixed thereto to ensure delivery to:

Vicki Piontek, Esq.
951 Allentown Road
Lansdale, PA 19446

This 19th Day of April, 2012.

By: Anneliese Scott
Attorney for Defendant Equifax Information
Services LLC

EXHIBIT A

IN THE COURT OF COMMON PLEAS OF
BUCKS COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

*Received
3/22*

Marlyn Phillips
854 Martha Lane
Warminster, PA 18974

Plaintiff

2012-00987

Vs.

Equifax Information Services LLC
6 Clementon Road, East, Suite A2,
Gibbsboro, New Jersey 08026

Jury Trial Demanded

and
John Does 1-10
and
X,Y, Z Corporations

Defendant

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice to you for any money claimed in the Complaint or for any other claim or relief requested by Plaintiff(s). You may lose money or property or other rights important to you.

See Next Page ----->>>>>>

RECEIVED
2012 MAR 19 P 1:17
CLERK OF COURT
BUCKS COUNTY

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU
DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR
TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU
CAN GET LEGAL HELP:

Legal Aid of Southeastern Pennsylvania for Bucks County
1290 Veterans Highway, Box 809, Bristol, PA 19007
215-781-1111

Bucks County Legal Aid Society
100 Union St, Doylestown, PA 18901
(215) 340-1818

Bucks County Bar Association
135 East State Street, PO Box 300, Doylestown, PA 18901
215-348-9413

IN THE COURT OF COMMON PLEAS OF
BUCKS COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

Marlyn Phillips
854 Martha Lane
Warminster, PA 18974

Plaintiff

2012-00987

Vs.

Equifax Information Services LLC
6 Clementon Road, East, Suite A2,
Gibbsboro, New Jersey 08026

Jury Trial Demanded

and

John Does 1-10

and

X,Y, Z Corporations

Defendant

COMPLAINT

1. This is an action brought by a consumer for violation of alleged violations of the Fair Credit Reporting Act (FCRA), 15 USC 1681 et. Seq..
2. Plaintiff is Marlyn Phillips, an adult individual, residing at 854 Martha Lane, Warminster, PA 18974.
3. Defendant is Equifax Information Services LLC, with a place of business located at 6 Clementon Road, East, Suite A2, Gibbsboro, New Jersey 08026.

RECEIVED
2012 MAR 19 P 1:17
PROthonOTARY
OF BUCKS COUNTY

JURISDICTION AND VENUE

4. Jurisdiction and venue are proper because a substantial portion of the transactions, occurrences or omissions took place in this jurisdiction.
5. Jurisdiction and venue are proper because Defendant regularly transacts business in this jurisdiction and avails itself of the market place in this jurisdiction.
6. Jurisdiction and venue are proper in this jurisdiction because witnesses may be located in this jurisdiction.
7. Jurisdiction and venue are proper in this jurisdiction because the Plaintiff whose credit report was allegedly affected by Defendant(s)' alleged unlawful behavior resides in this jurisdiction.

**COUNT ONE: VIOLATION OF THE FAIR CREDIT REPORTING ACT,
And the Fair and Accurate Credit Transactions Act, 15 USC 1681 et. seq.**

8. The previous paragraphs of this complaint are incorporated by reference and made a part hereof.
9. At all times pertinent hereto Plaintiff was a "consumer," as defined by 15 U.S.C. § 1681a(c).
10. At all times pertinent hereto, Defendant was a "person" and "consumer reporting agencies" as those terms are defined by 15 U.S.C. § 1681a(b) and (f).
11. At all times pertinent hereto, the credit reports mentioned in this complaint were "consumer reports" as that term is defined by 15 U.S.C. § 1681a(d)

12. Plaintiff disputed the alleged account(s) in writing with Defendant(s).
13. Defendant(s) received Plaintiff's disputes concerning the alleged account(s).
See attached exhibits.
14. Defendant purported to have investigated the disputed account(s), and verified the disputed information concerning such account(s). See attached exhibits.
15. Plaintiff requested that Defendant conduct a reinvestigation pursuant to 15 USC 1681 i. See attached exhibits.
16. Defendant did conduct one or more reinvestigations pursuant to 15 USC 1681 i, at which time Defendant(s) purportedly verified such account(s) again on more than one occasions. See attached exhibits.
17. Pursuant to 15 USC 1681 i, et. seq. Defendant (s) had a duty to inform Plaintiff upon Plaintiff's written request as to what Defendant(s) method of verification was when Defendant(s) conducted such reinvestigation(s).

18. Plaintiff sent Defendant(s) one or more written requests asking Defendant(s) what method of verification that Defendant(s) used to conduct the reinvestigation. See attached exhibits.
19. Defendant refused to inform Plaintiff what Defendant(s) method of verification was following Plaintiff's written request to Defendant(s) to do so. See Exhibit(s) which show Defendant's refusal. Instead of providing the method of verification that was used to re-verify the account(s) during the reinvestigation(s) process(es), Defendant provided a boiler plate, blanket response which did not fulfill Defendant(s) duties under 15 USC 1681 i, et. seq.
20. Defendant(s) breached its / their duty under 15 USC 1681 i, et. seq. to inform Plaintiff as to what Defendant(s) method of verification was when Defendant(s) conducted such reinvestigation(s).

LIABILITY

21. The previous paragraphs of this complaint are incorporated by reference and made a part hereof .
22. At all times various employees and / or agents of Defendant were acting as agents of Defendant, and therefore Defendant is liable to for the acts committed by its agents and / or employees under the doctrine of respondeat superior.
23. At all times various employees and / or agents of Defendant were acting jointly and in concert with Defendant, and Defendant is liable for the acts of such employees and / or agents under the theory of joint and several liability because Defendant and its agents were engaged in a common business venture and were acting jointly and in concert.

DAMAGES

24. The preceding paragraphs are incorporated by reference and made a part hereof.
25. Plaintiff's actual damages are \$1.00 more or less, including but not limited to postage, phone calls, fax, gas, mileage, etc.
26. \$1,000.00 statutory damages under 15 USC 1681 et. seq.
27. Plaintiff suffered some distress and anger as a result of his rights being violated by Plaintiff and the rights of other consumers.
28. The value of Plaintiff's emotional distress shall be proven at trial.
29. Plaintiff believes and avers that the acts committed by Defendant are willful, wanton intentional, or reckless at best. Plaintiff believes and avers that Defendant's acts are systemic. Therefore, punitive damages are warranted.
30. Plaintiff believes and avers that punitive damages should be awarded to Plaintiff in the amount of no less than \$10,000.

ATTORNEY FEES

31. The previous paragraphs of this Complaint are incorporated by reference and made a part of this Complaint.

32. Plaintiff believes and avers that Plaintiff is entitled to attorney fees of \$1,750.50 at a rate of \$350.00 per hour, described below.

a. Consultation with Client and drafting dispute letters and letters of inquiry	2
b. Drafting, editing, review, filing and serving of complaint and related documents	1
d. Follow up correspondence with Defense	2

Total = 5

\$1,750.00

33. Plaintiff's attorney fees continue to accrue as the case moves forward.

INJUNCTIVE RELIEF

34. Plaintiff seeks an order from this Honorable Court Directing Defendant(s) to provide written description of the method of verification that was used by Defendant(s) to conduct the reinvestigation on Plaintiff's account referenced in the attached exhibits.

OTHER RELIEF

35. Plaintiff requests such other relief as this court may deem just and proper.

Wherefore, Plaintiff demands judgment against Defendant(s) in the amount of \$12,751.00 (actual damages, statutory damages, attorney fees). Plaintiff also seeks punitive damages. Plaintiff also seeks such other relief as this Court deems fair and just.

Vicki Piontek

Vicki Piontek, Esquire
Attorney for Plaintiff
951 Allentown Road
Lansdale, PA 19446
877-737-8617
Fax: 866-408-6735
palaw@justice.com

3-19-2012
Date

IN THE COURT OF COMMON PLEASE OF
BUCKS COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

Marlyn Phillips
854 Martha Lane
Warminster, PA 18974

Plaintiff

Vs.

Equifax Information Services LLC
6 Clementon Road, East, Suite A2,
Gibbsboro, New Jersey 08026

and

John Does 1-10

and


X,Y, Z Corporations

Defendant

Jury Trial Demanded

VERIFICATION

I, Marlyn Phillips, verify that the statements contained in the complaint are true and correct to the best of my knowledge, understanding and belief.

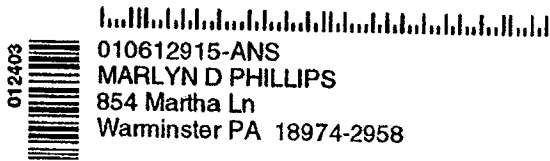

Marlyn Phillips

3-17-2012
Date

EXHIBITS

Equifax Information Services LLC
PO Box 740256
Atlanta GA 30374

January 6th, 2012



Dear Customer,

*** In reference to your question regarding the investigation process:**

Upon receipt of your dispute, we first review and consider any relevant information you submitted regarding the nature of your dispute. Often, Equifax will then transmit your dispute to the furnisher of the information (ie. the bank associated with a disputed credit card) for review and investigation. Equifax electronically sends a notification of your dispute, including a summary of the relevant information submitted, to the respective furnisher. The furnisher reviews the information provided, conducts an investigation with respect to the disputed information and reports the results back to us electronically.

In the case of a public record item such as a judgment, tax lien or bankruptcy, Equifax seeks the most recent filing associated with the disputed information. This information is often obtained from a medium (ie. paper records or computer database) prescribed by the source of the information (ie. courthouse or other government entity). Equifax may use a business vendor to obtain the most recent filing from the public record source.

As appropriate, Equifax then makes deletions or changes to your credit file. The name, address and, if reasonably available, the telephone number of the furnisher(s)/source(s) of the information contacted while processing your dispute(s) is shown under the "Results of your investigation" section on the cover letter that accompanies the copy of your revised credit file.

Thank you for giving Equifax Information Services the opportunity to serve you. We appreciate your business.

Marlyn Phillips
854 Martha Lane
Warminster, PA 18974

Equifax
P.O. box 740241
Atlanta, GA 30374

RE: Marlyn Phillips SSN 189-26-1609
BANK OF AMERICA
Account Number 4888 9379 9047 7913
Alleged High Balance \$11,203

REQUEST FOR METHOD OF VERIFICATION

Your company has placed derogatory information about the above referenced account on my credit report. I have disputed this account in the past. Your company had conducted at least two separate re-investigations where the information has been verified and re-verified. See exhibits attached.

I am requesting the method of verification for the reinvestigation. Because Transunion conducted a reinvestigation when they verified the information a second time, I am entitled to know the method of verification that was used to do so. What method of verification was used to verify this account?

Sincerely,


Marlyn Phillips

12/26/2011
Date

EQUIFAX**CREDIT FILE : June 1, 2011****Confirmation # 1125006149**

001021



000982200-1021
 Marlyn D Phillips
 854 Martha Ln
 Warrminster, PA 18974-2958

P. O. Box 105518
 Atlanta, GA 30348

Dear Marlyn D Phillips:

Your request for Equifax to reinvestigate certain items of your credit file is now complete.

Below are your results and a report of your credit file revised, as applicable, as a result of the reinvestigation. If you have additional questions regarding the reinvestigated items, please contact the source of that information directly. You may also contact Equifax regarding the specific information contained within this letter or report within the next 60 days by visiting us at www.investigate.equifax.com.

Thank you for giving Equifax the opportunity to serve you.

The Results Of Our Reinvestigation**Credit Account Information**

(For your security, the last 4 digits of account number(s) have been replaced by *)
 (This section includes open and closed accounts reported by credit grantors)

Account History	1 : 30-59 Days Past Due	5 : 150-179 Days Past Due	J : Voluntary Surrender
Status Code	2 : 60-89 Days Past Due	6 : 180 or More Days Past Due	K : Repossession
Descriptions	3 : 90-119 Days Past Due	G : Collection Account	L : Charge Off
	4 : 120-149 Days Past Due	H : Foreclosure	

>>> **We have researched the credit account. Account # - 488893799047* The results are:** The high credit/credit limit on this account has been updated. Additional information has been provided from the original source regarding this item. If you have additional questions about this item please contact: **Bank of America, PO Box 15026, Wilmington DE 19850-5026 Phone: (800) 421-2110**

Bank of America PO Box 15026 Wilmington DE 19850-5026 (800) 421-2110

Account Number		Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Months Rwd	Activity Designator	Creditor Classification				
488893799047*		10/2004	\$11,203	\$0		Monthly	43	Transfer/Sold					
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of 1st Delinquency	Date of Last Activity	Date Mtd. Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Date	Date Closed
06/2011	\$0	\$0	09/2006	\$0	\$0	05/2006		12/2006	\$0		\$0		

Status - Charge Off; Type of Account - Revolving; Type of Loan - Credit Card; Whose Account - Individual Account; ADDITIONAL INFORMATION - Account Transferred or Sold; Charged Off Account; Credit Card;

Account History with Status Codes	12/2008	11/2008	10/2008	09/2008	08/2008	07/2008	06/2008
	4	4	4	4	3	2	1

(Continued On Next Page)

Page 1 of 2

1125006149APP-000982200-1021-5182-AS

EQUIFAX**CREDIT FILE : November 22, 2011****Confirmation # 1318001140**

000981



001072410-981
 Marlyn D Phillips
 854 Martha Ln
 Warminster, PA 18974-2958

P. O. Box 105518
 Atlanta, GA 30348

Dear Marlyn D Phillips:

Your request for Equifax to reinvestigate certain items of your credit file is now complete.

Below are your results and a report of your credit file revised, as applicable, as a result of the reinvestigation. If you have additional questions regarding the reinvestigated items, please contact the source of that information directly. You may also contact Equifax regarding the specific information contained within this letter or report within the next 60 days by visiting us at www.investigate.equifax.com or by calling a Customer Representative at (888) 661-5352 from 9:00am to 5:00pm Monday-Friday in your time zone.

Thank you for giving Equifax the opportunity to serve you.

The Results Of Our Reinvestigation**Credit Account Information**

(For your security, the last 4 digits of account number(s) have been replaced by *)
 (This section includes open and closed accounts reported by credit grantors)

Account History	1 : 30-59 Days Past Due	5 : 150-179 Days Past Due	J : Voluntary Surrender
Status Code	2 : 60-89 Days Past Due	6 : 180 or More Days Past Due	K : Repossession
Descriptions	3 : 90-119 Days Past Due	G : Collection Account	L : Charge Off
	4 : 120-149 Days Past Due	H : Foreclosure	

>>> **We have researched the credit account. Account # - 431303899987* The results are:** The high credit/credit limit on this account has been updated. If you have additional questions about this item please contact: **Bank of America, PO Box 15026, Wilmington DE 19850-5026 Phone: (800) 421-2110**

Bank of America PO Box 15026 Wilmington DE 19850-5026 (800) 451-5352

Account Number		Date Opened		High Credit		Credit Limit		Terms Duration		Terms Frequency		Months Revd		Activity Designator		Creditor Classification											
431303899987*		10/2005		\$2,427		\$0				Monthly		27		Transfer/Sold													
Items As of		Balance		Amount		Date of		Actual		Scheduled		Date of 1st		Date of		Date Mat.		Charge Off		Deferred Pay		Balance Pay		Balance		Date	
Date Reported		Amount		Past Due		Last Paymnt		Paymnt Amount		Paymnt Amount		Delinquency		Last Activity		Del. 1st Rptd		Amount		Start Date		Amount		Pay Date		Closed	
11/2011		\$0		\$0		05/2007		\$0		\$0		07/2007				12/2007		\$0				\$0					

Status - Charge Off; Type of Account - Revolving; Type of Loan - Credit Card; Whose Account - Individual Account; **ADDITIONAL INFORMATION - Account Closed At Consumers Request; Account Transferred or Sold; Charged Off Account; Credit Card;**

Account History	09/2011	12/2007	11/2007	10/2007	09/2007	08/2007	10/2006	07/2006	04/2006
with Status Codes	L	5	4	3	2	1	1	1	1

>>> **We have researched the credit account. Account # - 601130026010* The results are:** Please be advised that account included in bankruptcy do not report any balance. If you have additional questions about this item please contact: **Discover Card, 12 READS Way, New Castle DE 19720-1649 Phone: (800) 347-2683**

(Continued On Next Page)

Discover Financial Services LLC PO Box 15315 Wilmington DE 19850-5315

Account Number		Date Opened		High Credit	Credit Limit	Terms Duration	Terms Frequency	Months Revd	Activity Designator	Creditor Classification			
601130026010*		10/1997			\$0			99					
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of 1st Delinquency	Date of Last Activity	Date Maj. Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Date	Date Closed
08/2011				\$0	\$0	04/2006		10/2010	\$0		\$0		

Status - Account Included In Bankruptcy; Type of Loan - Credit Card; Whose Account - Individual Account; ADDITIONAL INFORMATION - Consumer Disputes This Account Information; Bankruptcy Chapter 7; Bankruptcy Discharged; Credit Card;

>>> **We have researched the credit account. Account # - 488893799047* The results are:** This creditor has verified to Equifax that the high credit/credit limit is being reported correctly. If you have additional questions about this item please contact: **Bank of America, PO Box 15026, Wilmington DE 19850-5026 Phone: (800) 421-2110**

Bank of America PO Box 15026 Wilmington DE 19850-5026 - (800) 421-2110

Account Number		Date Opened		High Credit		Credit Limit		Terms Duration		Terms Frequency		Months Revd		Activity Designator		Creditor Classification											
488893799047*		10/2004		\$11,203		\$0				Monthly		43		Transfer/Sold													
Items As of Date Reported		Balance Amount		Amount Past Due		Date of Last Paymnt		Actual Paymnt Amount		Scheduled Paymnt Amount		Date of 1st Delinquency		Date of Last Activity		Date Maj. Del. 1st Rptd		Charge Off Amount		Deferred Pay Start Date		Balloon Pay Amount		Balloon Pay Date		Date Closed	
11/2011		\$0		\$0		09/2006		\$0		\$0		05/2006				12/2006		\$0				\$0					

Status - Charge Off; Type of Account - Revolving; Type of Loan - Credit Card; Whose Account - Individual Account; ADDITIONAL INFORMATION - Account Transferred or Sold; Charged Off Account; Credit Card;

Account History with Status Codes	07/2011	12/2006	11/2006	10/2006	09/2006	08/2006	07/2006	06/2006
	L	4	4	4	4	3	2	1

Notice to Consumers

You may request a description of the procedure used to determine the accuracy and completeness of the information, including the business name and address of the furnisher of information contacted, and if reasonably available the telephone number.

If the reinvestigation does not resolve your dispute, you have the right to add a statement to your credit file disputing the accuracy or completeness of the information; the statement should be brief and may be limited to not more than one hundred words (two hundred words for Maine residents) explaining the nature of your dispute.

If the reinvestigation results in the deletion of disputed information, or you submit a statement in accordance with the preceding paragraph, you have the right to request that we send your revised credit file to any company specifically designated by you that received your credit report in the past six months (twelve months for California, Colorado, Maryland, New Jersey and New York residents) for any purpose or in the past two years for employment purposes.

Piontek Law Office
951 Allentown Road
Lansdale, PA 19446



7011 3500 0002 3160 2661



1000



08026

U.S. POSTAGE
PAID
LANSDALE, PA
19446
MAR 19, 12
AMOUNT

\$6.80

00089016-11

Equifax Information Services, LLC
6 Clementon Rd East
Suite A2
Gibbsboro, NJ 08026

NAME _____
1ST NOTICE _____
2ND NOTICE _____
RETURNED _____